

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IN RE POLYURETHANE FOAM ANTITRUST
LITIGATION

This document relates to:

GENERAL MOTORS LLC v. CARPENTER
CO., et. al.

Case No. 3:12-pf-10027-JZ

MDL Docket No. 2196

Index No. 10-MD-2196 (JZ)

JUDGE JACK ZOUHARY

**PLAINTIFF GENERAL MOTORS LLC'S RESPONSE TO DEFENDANTS' MOTION
TO COMPEL FURTHER RESPONSES TO FIRST SET OF INTERROGATORIES**

Plaintiff General Motors LLC ("GM") respectfully submits this response to Defendants' Motion to Compel Further Responses to First Set of Interrogatories ("Motion to Compel") (Doc. No. 1149).

Despite referring to Direct Action Plaintiffs, generally, in their Motion, conspicuously absent is any reference by Defendants to GM's interrogatory responses in discussing why 39 other Direct Action Plaintiffs' responses are insufficient. Nor have Defendants provided GM's interrogatory responses as an exhibit to their Motion to Compel. Thus, Defendants have not provided this Court with any means to evaluate GM's interrogatory responses, and instead appear not to be moving to compel as to GM. Defendants do so for good reason.

Defendants' contention interrogatories are substantially similar to (though broader than) contention interrogatories previously served on GM by Defendants, namely Woodbridge Foam Corporation, Woodbridge Sales & Engineering, Inc., and Woodbridge Foam Fabricating, Inc.'s First Set of Interrogatories to Plaintiff General Motors LLC, served on November 13, 2013 (the

“Woodbridge Interrogatories”). Even though the Woodbridge Interrogatories were more specific and narrowly tailored than the interrogatories at issue here, Magistrate Judge Knepp, on January 24, 2014, clearly stated his position on contention interrogatories: “I don’t like them. I think they – I think they unfairly cause busy work by folks.” Tr. of Phone Conference before Judge Knepp, January 24, 2014, at 32. Magistrate Judge Knepp ultimately sustained GM’s objections to the breadth and scope of the Woodbridge Interrogatories, finding that GM fairly responded to exactly what Woodbridge’s broad contention interrogatories requested. *See id.* at 41-42 (“[T]he interrogatory doesn’t say, you know, tell me – tell me in 25 words or less ... or tell me what are the ... best facts upon which you – your interrogatory says identify all facts and documents that support your contention. So you said, you basically asked them where’s the hay stack, and they say here it is, you know ... You didn’t say give me the top 25, you know, pieces of evidence that support what you’re saying.”). In fact, Magistrate Judge Knepp only required GM to provide a supplemental response on one specific issue, and only because Woodbridge (repeatedly) claimed that they “can’t figure out what they’re talking out” with respect to GM’s claims regarding molded Polyurethane Foam. *Id.* at 34, 36. Thus, contrary to supporting the instant motion, Magistrate Judge Knepp’s ruling regarding GM’s contention interrogatory responses actually *undercuts Defendants’ position.*

Magistrate Judge Knepp, months ago, ruled on the issue of contention discovery. And GM, months ago, provided Defendants with notice of the facts and evidence supporting its case, including through a supplemental statement required by Magistrate Judge Knepp. Because Defendants do not appear to be moving to compel GM to provide further interrogatory responses, and Magistrate Judge Knepp has already sustained virtually all of GM’s objections to substantially similar contention interrogatories, GM accordingly should not be required to

undertake additional “busy work” and provide further responses to yet another set of overbroad contention discovery served by Defendants.¹

Dated: May 13, 2014

Respectfully submitted,

/s/ Chahira Solh

Daniel A. Sasse
Chahira Solh
CROWELL & MORING LLP
3 Park Plaza, 20th Floor
Irvine, CA 92614
Telephone: 949-263-8400
Fax: 949-263-8414
Email: dsasse@crowell.com
csolh@crowell.com

Kent A. Gardiner
Kathryn D. Kirmayer
CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202-624-2500
Fax: 202-628-5116
Email: kgardiner@crowell.com
kkirmayer@crowell.com

Counsel for Plaintiff General Motors LLC

¹ In the event the Court finds that Defendants did in fact move to compel further responses from GM, GM refers to and incorporates arguments raised in its January 17, 2014 letter brief to Judge Knepp and during the hearing with Magistrate Judge Knepp on January 24, 2014.

CERTIFICATE OF SERVICE

I hereby certify that on the 13th of May, 2014, a copy of the foregoing **PLAINTIFF GENERAL MOTORS LLC'S RESPONSE TO DEFENDANTS' MOTION TO COMPEL FURTHER RESPONSES TO FIRST SET OF INTERROGATORIES** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the Court's electronic filing receipt.

Dated: May 13, 2014

/s/ Chahira Solh

Chahira Solh
CROWELL & MORING LLP
3 Park Plaza, 20th Floor
Irvine, CA 92614
Telephone: 949-263-8400
Fax: 949-263-8414
Email: csolh@crowell.com